

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRUD ROSSMANN,

Plaintiff,

v.

No. 16cv955 MCA/KK

LENNERT LEADER, et al.,

Defendants.

ORDER OF DISMISSAL

THIS MATTER comes before the Court on *pro se* Plaintiff's failure to timely file an amended complaint.

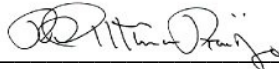
Plaintiff's Complaint asserted claims for fraud and conversion which are apparently based on actions that occurred during his employment as a venture capital investor and a transfer of a real property. Most of those alleged activities occurred in 2003 or earlier. *See* Complaint at 12, 15, 17-20, 23-26, 29, 41, 51. Some of the allegations suggest that a few activities occurred as late as 2012, but those allegations did not, by themselves, show that Plaintiff is entitled to relief. *See* Complaint at 21-22, 32, 39, 40. The Complaint did not contain any allegations that the statutes of limitations do not apply or should be tolled.

The Court dismissed Plaintiff's Complaint without prejudice for failure to state a claim because the conversion and fraud claims appear, based on the allegations in the Complaint, to be time-barred. *See* Mem. Op. and Order, Doc. 8, filed September 26, 2016. The Court granted Plaintiff 21 days to an amended complaint and notified Plaintiff that failure to timely file an amended complaint may result in dismissal of this case without prejudice. Plaintiff did not file an amended complaint by the October 18, 2016 deadline. The Court will, therefore, dismiss this case without prejudice.

Change of Address

Several documents, including the Court's Order dismissing the Complaint, that the Court mailed to Plaintiff were returned to the Court marked "Return to Sender, Attempted – Not Known, Unable to Forward" or "Return to Sender, Insufficient Address, Unable to Forward." *See* Doc's 4-7, filed August 29-31, 2016, and Doc. 9, filed September 30, 2016. "All attorneys of record and parties appearing *pro se* have a continuing duty to notify the Clerk, in writing, of any change in their firm name, mailing addresses, telephone numbers, facsimile numbers, or electronic addresses." D.N.M.LR-Civ. 83.6. Plaintiff has not notified the Court of any change in his mailing address.

IT IS ORDERED that this case is **DISMISSED without prejudice**.



M. CHRISTINA ARMIÑO
CHIEF UNITED STATES DISTRICT JUDGE